

**Remarks/Arguments**

**Rejection of Claim 7 under 35 U.S.C. § 112 first paragraph**

The Examiner rejected Claim 7 under 35 U.S.C. 112, first paragraph, as containing subject matter, which was not described in the specification. The Examiner asserted that the specifications and drawings do not enable one skilled in the art to make an “alpha” about the hooks. Applicants respectfully traverse the rejection.

The specification provides a step-by-step description for forming an alpha hook in two places: page 3, line 24 to page 4 line 6; and page 7, lines 19-31. Applicants submit that these descriptions in conjunction with the figures, in particular, Figures 2-10, provide adequate support as follows. In Figure 2, the stator has been indexed to begin the winding of a pole, causing the wire to cross below the hook. For example, in Figure 2A, this is the bottom, or overlapped, portion of the alpha. In Figure 3, the shroud is brought into place. In Figure 4, the flier is rotated so that the wire engages the hook. Figure 5 is a top view of the configuration shown in Figure 4. In Figure 6, shield 20 is lowered to engage the wire. In Figure 7, the shield engages the wire and pushes the wire further down. Figure 8 is a top view of the configuration shown in Figure 7. Now, as indicated in Figures 7 and 8, the flier is rotated in the opposite direction to attain the position shown in Figures 9 and 10, which are elevation and top views, respectively. As the wire is moved by the flier from the position in Figures 7 and 8 to the position in Figures 9 and 10, the wire continues to be engaged by shield 20, slides across shield 20, and crosses over to the other side of the hook to form the overlapping portion of the alpha. Thus, the specification and figures concisely describe the sequence for forming an “alpha.”

Applicants courteously request that the rejection be removed.

**The Rejection of Claims 5-13 Under 35 U.S.C. §112**

The Examiner rejected Claims 5-13, under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicants have amended Claims 5 and 8 to remove respective method steps.

The specification and drawings describe shield 20 in Figures 6-10 and shield 120. One embodiment of shield 120 is shown in Figures 15 and 16 and a second embodiment is shown in Figures 17-21. Claim 7 has been amended to recite a first shield, for example, shield 20 in Figures 2-10. Claims 8 and 9 have been amended accordingly. Claim 10 has been amended to recite a second shield, for example, the shield shown in Figures 15-21. Amended Claim 11 recites the first embodiment of shield 120 and amended Claims 12 and 13 recite the second embodiment of shield 120.

Applicants respectfully submit that these amendments overcome the rejection under 35 U.S.C. §112 and reconsideration is requested.

The Rejection of Claims 5-7 Under 35 U.S.C. §102(b)

The Examiner rejected Claims 5-7 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,947,404 (Dolgas et al).

Anticipation requires that all of the elements of the claim be taught within the four corners of a single reference.

Dolgas does not teach radial movement of a shroud

Claim 5 recites: "...comprising at least one flier and at least one shroud that moves *radially* with respect to said stator overlapping a respective pole extension," (emphasis added). The Examiner cited element 68 in Fig. 7 as being part of a shroud that moves radially with respect to the stator and guides the wire. This is incorrect. Element 68 is not a shroud. Dolgas defines element 68 as a hook (col. 4, line 37). The figures in Dolgas also show that element 68 is a hook and does not have the shape or configuration of a shroud.

Assuming *arguendo* that element 68 is a shroud, which it is not, element 68 is connected to element 66 with a shaft that is parallel to a radial plane for stator 22. Element 68 rotates about the shaft, therefore, the movement of element 68 is always parallel to an axial plane of the stator and orthogonal to a radial plane of the stator. That is, since the shaft is parallel to a radial plane and there is no teaching that element 66 is moveable to place the shaft in a different orientation,

element 68 can never move radially with respect to the stator. Further, in col. 4, lines 35-38, Dolgas teaches that element 66 extends *perpendicularly* to face 22 of the stator. That is Dolgas explicitly teaches an axial orientation of element 68.

Dolgas fails to teach all the elements of Claim 5. Therefore, Claim 5 is novel with respect to Dolgas. Claims 6 and 7, dependent from Claim 5, enjoy the same distinction from Dolgas. Applicants courteously request that the rejection be removed.

The Rejection of Claim 5 Under 35 U.S.C. §102(b)

The Examiner rejected Claim 5 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,606,208 (Sakashita et al).

Anticipation requires that all of the elements of the claim be taught within the four corners of a single reference.

Sakashita does not teach a shroud

Claim 5 recites: "...comprising at least one flier and at least one shroud that moves radially with respect to said stator overlapping a respective pole extension, said shroud comprises means for guiding said wire on said hook" The Examiner cites element 23 as guiding the wire. However, elements 23 are electrodes for fusing terminals 6. (col. 9, lines 17-35). The electrodes do not guide a wire. This is clearly shown in Fig. 6, in which electrode 23A is free of terminal 6, which is already in place, and is poised to perform a fusing function. Element 23 is not a shroud. Further, terminal 6 is not a wire. Sakashita clearly states that the windings (wire) are item 4 that terminals 6 are connected to windings. (col.5, lines 28-30).

Sakashita fails to teach all the elements of Claim 5. Therefore, Claim 5 is novel with respect to Sakashita. Applicants courteously request that the rejection be removed.

The Objection of Claims 8 through 13 as Being Dependent Upon a Rejected Base Claim

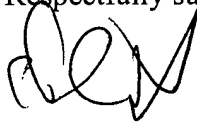
Claims 8 through 13 were objected to as being dependent upon a rejected base claim, but the Examiner indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has shown that Claim 5 is novel with respect to Dolgas or Sakashita. Therefore, Claims 8-13,

dependent from Claim 5, no longer depend from a rejected base claim. Applicants courteously request that the objection be removed.

**Conclusion**

Applicants respectfully submit that all pending claims are now in condition for allowance, which action is courteously requested.

Respectfully submitted,



C. Paul Maliszewski  
Registration No. 51,990  
Simpson & Simpson, PLLC  
5555 Main Street  
Williamsville, NY 14221-5406  
Telephone No. 716-626-1564

CPM/  
Dated: July 17, 2006